

REMARKS

A "Request For Extension Of Time" for extending the due date for responding to the Office Action by three months and a check (\$870) to cover the fee payment for the extension are filed with this Preliminary Amendment. This Preliminary Amendment is submitted as being responsive to the Office Action mailed February 24, 2000.

Claims 3, 4 and 7 stand allowable over the prior art of record.

In the Office Action, independent claims 38 and 45 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Usami, U.S. Patent No. 5,696,840 in view of Nagasaki et al., U.S. Patent No. 5,153,730 and in further view of Outa, U.S. Patent No. 4,922,335. The rejections are respectfully traversed and reconsideration is requested.

Independent claim 38 has been amended and now recites:

An image processing system comprising:

(a) memory means for storing image data outputted from image pickup means, said memory means capable of being attached to and detached from said system;

(b) reproducing means for reproducing the image data stored by the memory means;

(c) displaying means for displaying the image data reproduced by said reproducing means;

(d) selecting means for selecting first image data from the image data displayed by said displaying means;

(e) producing means for producing color balance control data on the basis of the first image data selected by said selecting means; and

(f) correction means for correcting the color balance of second image data reproduced by said reproducing means on the basis of the color balance control data, the second image data being different from the first image data.

Independent claim 45 directed to the method of image processing has also been similarly amended.

As acknowledged by the Examiner, the Usami reference does not disclose “selecting color balance control from an image displayed”. Nor does the reference disclose first image data being selected from image data displayed by displaying means and control balance control data being produced on the basis of the selected first image data, as claimed in the independent claims. The Nagasaki et al. reference also does not disclose or suggest such selection or such claimed content. The Examiner continues by stating that the Outa reference “teaches selecting and more accurately correcting color balance by selecting color balance control from an [sic] image displayed (col. 32, lines 21-50 and col. 40, lines 23-37).” However, the Outa reference does not disclose or suggest that first image data is selected from image data displayed by displaying means and color balance control data is produced on the basis of the selected first image data, as claimed. Rather, as acknowledged by the Examiner, the Outa reference merely discloses “selecting color balance control from an image displayed”. Such does not disclose or suggest selecting means and producing means, as claimed in independent claim 38 or the selecting step and producing step, as claimed in independent claim 45. Furthermore, even if the Outa reference were combinable with the Usami and Nagasaki et al. references, such alleged combination does not disclose the selection and production of first image data, as claimed in the independent claims. Based upon the references, either alone or in alleged combination, not disclosing or suggesting the content of these claims, it is submitted that the independent claims are accordingly patentable.

The dependent claims of the present application are also submitted as being patentable since they differ in scope from the independent claims which are submitted as patentable. Patentability of the claims is therefore believed to have been established. It is submitted that this application is now in condition for allowance, except for the filing of formal drawings.

If the Examiner believes that an interview would expedite consideration of this Preliminary Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 682-9640.

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Respectfully submitted,



ROBIN, BLECKER & DALEY
330 Madison Avenue
New York, New York 10017

Marylee Jenkins
Reg. No. 37,645
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